



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,145	10/05/2001	Joseph R. Rulison		6720

7590  
Joseph R. Rulison  
3437 Elnwood Ave  
Rochester, NY 14610

12/27/2006

EXAMINER
----------

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
----------	--------------

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/972,145

Applicant(s)

RULISON, JOSEPH R.

Examiner

Bijendra K. Shrestha

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/28/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-5-01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. With respect to independent claim 1, there is no physical transformation of anything to another state or thing. A §101 inquiry is directed to the determination of whether the claimed subject matter as a whole is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical connect has been reduced to some practical application rendering it "useful." A claimed process that produces a useful, concrete, tangible result without re-empting other uses of the mathematical principal falls within the scope of §101. The claim 1 result of "more money is invested than had previous been and interest earnings are created on the most dollars available" is not tangible but represents a disembodied "abstract idea." Claims 2 through 5 are thus drawn to the abstract idea of receiving a right, rather than to a practical application of the idea as required by 35 U.S.C. §101.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3691

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable by Brigham et al., (reference U in attached PTO-892) in view of Epstein, U.S. Patent No. 6,795,811 (reference A in the attached PTO-892).

6. As per claim 1, Brigham et al. teach a means by which invested dollars are increased substantially (see page 809, paragraph 2; page 830, paragraph 2; where firm uses excess cash to purchase marketable securities; rate of interest on cash is relatively small) by:

a historic analysis as a means to determine historic available dollars for investment (see Fig 21-2, Page 820, paragraph 4; where Stone Model for management of cash balance applies cash balance (historical) analysis as a strategy for investment in marketable securities);

constant monitoring of funds to provide current information on what is actually available, a projection of future market conditions (see Fig. 21-2; Page 820, paragraph 4; where constant monitoring daily cash balance determine what is currently available funds for transferring into the marketable securities, and forecasting cash flow for next 5 days);

said projection is combined with said historic analysis to create an investment strategy (see Fig. 21-2; page 820, paragraph 4; where analysis of daily cash balances

Art Unit: 3691

and projection of cash flow for next several days creates investment strategy by determining amount of cash need to be transferred to marketable securities);

Bringham et al. teach analysis of daily cash balances, cash flow forecast and set investment strategy in terms of how much of cash flow to invest in marketable securities but does not teach providing competition between financial institution for investment.

Epstein teaches providing competition between financial institution for investment into marketable securities; document are used as a means to provide information to all parties involved whereby more money is invested than had previous been and interest earnings are created on the most dollars available (see Figs. 3-5; abstract; column 1, lines 31-42; investor executes investment strategy by looking at the cash flow forecast document and select the financial institution that qualifies with the corporate investment policies by bidding; Examiner interprets The Stone Model approach for managing daily cash balance provides most dollar available for investment, and the bidding method for selecting financial institution provides better interest earning for a given dollar for the investor).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow competition between financial institution for investment of Bringham et al. because Epstein teaches that allowing competition between financial institution for investment provide the best available rates for the funds to be invested (Epstein, column 1, lines 65-66).

7. As per claim 2, Bringham et al. in view of Epstein teach claim 1 as described above.

Bringham et al. further teach that historic analysis means

to better project future cash flows and cash levels means to better information to base decisions of debt financing ( see Fig. 20-3, page 773; where better projection of cash flow and cash level would provide decision on financing its short –term debt).

8. As per claim 3, Bringham et al. in view of Epstein teach claim 1 as described above.

Bringham et al. further teach that historic analysis means

to provide opportunity to enhance credit rating for debt financing (see page 785, paragraph 1; where ability to forecast future cash flow would highlight operating profitability and cash flow generating ability of the investor thereby enhancing credit rating of the firm; interest rate is higher for riskier borrower (low credit rating) for financing a debt; a firm can qualify for prime rate based on its financial strength and cash flow generating ability).

9. As per claim 4, Bringham et al. in view of Epstein teach claim 1 as described above.

Bringham et al. further teach that historic analysis means

to alter banking services to better match cash flow needs (see page 782-785; where cost of bank loan is different for different borrower; Examiner notes that historical analysis provides better projection of future cash flow enabling investor to choose right product and terms of the product for business needs which allows investor to alter banking services).

Art Unit: 3691

10. As per claim 5, Bringham et al. in view of Epstein teach claim 1 as described above.

Bringham et al. further teach constant monitoring of historical and current cash flow to project what cash flow would be available for transferring into marketable securities. Bringham et al. also teach use of cash flow documentation for investment strategy and provide competition between financial institutions to offer financial securities for the investment.

Bringham et al. do not teach simple audit through consistent method of filing appropriate documentation. Examiner has taken official notice on that financial report such as cash flow statement, balance sheet and income statement are the required documentation for audit (see attached sample "Audit Documentation Checklist") and Bringham et al. use historical cash flow and daily cash balances documentation to set investment strategy and select of financial institutions to provide financial securities for investment.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have included simple audit through consistent method of filing appropriate documentation because simple audit through consistent method of filing appropriate documentation would let independent assessment of cash flow statement of the firm.

Art Unit: 3691

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Beard (U.S. Pub No. 2002/0178908) teaches system and method for quantifying the working capital benefit of polling a number of separate cash accounts.

Erwin et al. (U.S. Patent No. 6,249,770) teach method and system of financial forecasting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on Monday - Friday, 7:30 a.m - 5 p.m, 2nd Friday OFF.

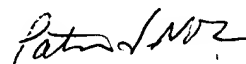
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on (571)270-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BKS

  
PATRICK J. NOLAN, PH.D.  
SUPERVISORY PATENT EXAMINER  
12/19/06